



# House of Representatives

General Assembly

**File No. 96**

*January Session, 2005*

House Bill No. 6227

*House of Representatives, March 30, 2005*

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 When used in sections 5-270 to 5-280, inclusive:

4 (a) "Employer" means the state of Connecticut, its executive and  
5 judicial branches, including, without limitation, any board,  
6 department, commission, institution, or agency of such branches or  
7 any appropriate unit thereof and any board of trustees of a state-  
8 owned or supported college or university and branches thereof, public  
9 and quasi-public state corporation, or authority established by state  
10 law, or any person or persons designated by the employer to act in its  
11 interest in dealing with employees, but [shall] does not include the  
12 State Board of Labor Relations or the State Board of Mediation and

13 Arbitration.

14 (b) "Employee" means any employee of an employer, whether or not  
15 in the classified service of the employer, except elected or appointed  
16 officials other than special deputy sheriffs, board and commission  
17 members, [managerial employees] bureau heads and confidential  
18 employees.

19 (c) "Professional employee" means: (1) Any employee engaged in  
20 work (A) predominantly intellectual and varied in character as  
21 opposed to routine mental, manual, mechanical or physical work; (B)  
22 involving the consistent exercise of discretion and judgment in its  
23 performance; (C) of such a character that the output produced or the  
24 result accomplished cannot be standardized in relation to a given time  
25 period; (D) requiring knowledge of an advanced type in a field of  
26 science or learning customarily acquired by a prolonged course of  
27 specialized intellectual instruction and study in an institution of higher  
28 learning or a hospital, as distinguished from a general academic  
29 education or from an apprenticeship or from training in the  
30 performance of routine mental, manual or physical processes; or (2)  
31 any employee who has completed the courses of specialized  
32 intellectual instruction and study described in [subsection (c)(1)(D)]  
33 subparagraph (D) of subdivision (1) of this subsection and is  
34 performing related work under the supervision of a professional  
35 person to qualify [himself] to become a professional employee as  
36 defined in [subsection (c)(1)] subdivision (1) of this subsection.

37 (d) "Employee organization" means any lawful association, labor  
38 organization, federation or council having as a primary purpose the  
39 improvement of wages, hours and other conditions of employment  
40 among state employees.

41 (e) "Confidential employee" means any public employee who would  
42 have access to confidential information used in collective bargaining.

43 (f) "Supervisory employee" means any individual in a position in  
44 which the principal functions are characterized by not fewer than two

45 of the following: (1) Performing such management control duties as  
46 scheduling, assigning, overseeing and reviewing the work of  
47 subordinate employees; (2) performing such duties as are distinct and  
48 dissimilar from those performed by the employees supervised; (3)  
49 exercising judgment in adjusting grievances, applying other  
50 established personnel policies and procedures and in enforcing the  
51 provisions of a collective bargaining agreement; and (4) establishing or  
52 participating in the establishment of performance standards for  
53 subordinate employees and taking corrective measures to implement  
54 those standards, provided in connection with any of the foregoing the  
55 exercise of such authority is not merely of a routine or clerical nature,  
56 but requires the use of independent judgment. [ and such individuals  
57 shall be] Such individuals are employees within the meaning of  
58 subsection (b) of this section. The above criteria for supervisory  
59 positions [shall] does not necessarily apply to police or fire  
60 departments.

61 (g) "Managerial employee" means any individual in a position in  
62 which the principal functions are characterized by not fewer than two  
63 of the following, provided for any position in any unit of the system of  
64 higher education, one of such two functions shall be as specified in  
65 subdivision (4) of this subsection: (1) Responsibility for direction of a  
66 subunit or facility of a major division of an agency or assignment to an  
67 agency head's staff; (2) development, implementation and evaluation  
68 of goals and objectives consistent with agency mission and policy; (3)  
69 participation in the formulation of agency policy; or (4) a major role in  
70 the administration of collective bargaining agreements or major  
71 personnel decisions, or both, including staffing, hiring, firing,  
72 evaluation, promotion and training of employees. Such individuals,  
73 other than any individuals who are bureau heads, as defined in  
74 subsection (h) of this section, are employees within the meaning of  
75 subsection (b) of this section.

76 (h) "Bureau head" means any individual who heads a major division  
77 of an agency and reports to the agency head or deputy agency head,  
78 provided: (1) The number of bureau heads in any agency shall not

79 exceed the greater of (A) one, or (B) one-half of one per cent of the total  
80 number of permanent full-time employees in the agency, rounded to  
81 the next lowest whole number, (2) the number of bureau heads in the  
82 state executive branch shall not exceed one-half of one per cent of the  
83 total number of permanent full-time employees in the branch, rounded  
84 to the next lowest whole number, and the number of bureau heads in  
85 the state judicial branch shall not exceed one-half of one per cent of the  
86 total number of permanent full-time employees in the branch, rounded  
87 to the next lowest whole number, and (3) if an agency has more major  
88 divisions than the number of bureau heads permitted in the agency by  
89 this subsection, the major divisions shall be ranked by the number of  
90 permanent full-time employees in each, and any individual heading a  
91 major division with a smaller number of permanent full-time  
92 employees shall be excluded from being classified as a bureau head  
93 before any individual heading a major division with a larger number  
94 of full-time employees.

95 Sec. 2. Subsection (b) of section 5-275 of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective*  
97 *October 1, 2005*):

98 (b) The board shall determine the appropriateness of a unit which  
99 shall be the public employer unit or a subdivision [thereof] of the  
100 public employer unit. In determining the appropriateness of the unit,  
101 the board shall: (1) Take into consideration, but shall not limit  
102 consideration to, the following: (A) Public employees must have an  
103 identifiable community of interest, and (B) the effects of  
104 overfragmentation; (2) not decide that any unit is appropriate if (A)  
105 such unit includes both professional and nonprofessional employees,  
106 unless a majority of such professional employees vote for inclusion in  
107 such unit, or (B) such unit includes both Department of Correction  
108 employees at or above the level of lieutenant and Department of  
109 Correction employees below the level of lieutenant; (3) decide that a  
110 unit is not appropriate if the unit includes both managerial and  
111 nonmanagerial employees; (4) take into consideration that when the  
112 state is the employer, it will be bargaining on a state-wide basis unless



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 06 \$</b>	<b>FY 07 \$</b>
Various State Agencies	All Appropriated Funds - Cost	Indeterminate	Indeterminate

**Municipal Impact:** None

**Explanation**

This bill allows state managers, excluding bureau heads, to bargain collectively. The fiscal impact to the state is indeterminate as any costs associated with this bill would depend on the outcome of collective bargaining negotiations. This bill would impact approximately 2,300 managers<sup>1</sup> in all branches of government.

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<sup>1</sup> Data from CORE-CT, January 2005.

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**OLR Bill Analysis**

HB 6227

**AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS****SUMMARY:**

This bill allows state managers, other than bureau heads, to bargain collectively. It defines a "bureau head" as anyone who heads a major division of an agency and reports to the agency commissioner or deputy commissioner. It establishes mechanisms to limit how many managerial employees can be reclassified as bureau heads.

The bill requires the State Board of Labor Relations to determine a collective bargaining unit is inappropriate if it includes both managerial and nonmanagerial employees.

EFFECTIVE DATE: October 1, 2005

**PROTECTIONS AGAINST RECLASSIFICATION**

The bill allows an agency to have (1) one bureau head or (2) bureau heads numbering up to 0.5% of its permanent, full-time employees (whichever is greater). This means a department with 200 or fewer permanent, full-time employees can have at most one bureau head.

It bars the Executive and Judicial branches from having a total number of bureau heads that exceeds 0.5% of the branch's permanent, full-time employees.

Under the bill, if the number of an agency's major divisions exceeds the number of bureau heads allowed, a major division head who has a greater number of permanent, full-time employees must be designated a bureau head before one who has fewer employees.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Change of Reference

Yea 9      Nay 2

Government Administration and Elections Committee

Joint Favorable Report

Yea 10    Nay 7